

Amendment Dated July 31, 2007  
Serial No. 10/719,299

**REMARKS**

Reconsideration of the rejection set forth in the Office Action is respectfully requested.  
Currently, claims 1-17 are pending in this application.

**Rejection under 35 USC 102 over Knight**

Claims 1-2 and 5-17 were rejected under 35 USC 102(e) as anticipated by Knight (U.S. Patent Application Publication No. 2004/0199618). This rejection is traversed in view of the following arguments.

This application relates to a method and apparatus for transporting parcels of data using network elements with network element storage. (Specification at Par. 2). The term "parcel of data" is defined as "a relatively large amount of data that is to be logically treated together and to be passed as a unit through the network from a given starting point to a given end point." (Specification at Par. 16). As described in Paragraph 17, network elements are provided with local temporary fast storage that will allow them to store data temporarily as the data is being transported through the network. This allows data to be transported hop-by-hop through the network rather than requiring an entire path through the network. By allowing the network elements to store data, data may be transported part of the way through the network, stored at a network element, and then transported the rest of the way through the network to its intended destination. This is different than normal data transport mechanism, which generally cause data to be streamed through the network rather than being transported to an intermediate network element and stored there until the next leg of the network path is available.

Claim 1 recites a method of transporting a parcel of data by an intermediate network element, the method including the steps of receiving for forwarding a parcel of data by an intermediate network element having network element storage; storing the parcel of data in the network element storage in coordination with at least one of said data source and data target; and forwarding the parcel of data. Knight does not teach or suggest that a network element should handle a "parcel" of data by receiving the parcel, storing the parcel, and then forwarding the parcel.

Knight teaches a storage network having a first storage area network 10 and a second storage area network 12. Each storage area network has a plurality of servers 16 and storage devices 18 interconnected by a switch 20. (Knight at Par. 22). The storage area network is

Amendment Dated July 31, 2007  
Serial No. 10/719,299

connected to a wide area network such as the Internet via storage router 22. (Id.) The storage router 22 is a "compression box" (Knight at Par. 25). Compression is commonly used to reduce the size of data for transmission over a network. For example, a 1 Mb stream may be compressed to 256 Kb for transmission and then uncompressed on the other end of the WAN. Thus, the router in Knight does not store parcels of data for transmission over the WAN, but rather compresses data before transmitting it over the WAN to reduce the bandwidth consumed on the WAN.

The Examiner has taken the position that the storage router of Knight is used to transport a parcel of data. Applicants respectfully submit that the storage router does not receive a parcel of data for forwarding, store the parcel of data in network element storage, and then forward the parcel of data. Rather, the storage router 22/28 of Knight receives, compresses, and outputs data as it arrives like a normal router. Accordingly, Knight does not anticipate independent claim 1. Applicants thus respectfully request that the rejection over Knight be withdrawn.

Independent claim 10 recites a network element with network element storage. The Examiner indicated that storage router 22 and/or 28 taught a network element with network element storage. Knight is virtually silent about how the storage router 22/28 operates, except noting that the storage router is a "compression box" (Knight at Par. 25). Knight also states that storage router 40 performs the same functions as storage router 22/28 (Knight at Par. 30). However, Knight never states that the storage router stores data before transmitting it onto the WAN. Indeed, Knight is virtually silent about how the router operates. Moreover, Knight is silent as to the internal structure of the storage router 22/28. Thus, applicants respectfully submit that Knight does not teach or suggest a network element with network element storage. Since this aspect of independent claim 10 is not shown in Knight, Knight does not anticipate claim 10.

Moreover, independent claim 10 states that the network element storage is configured to store data semi-permanently on the network, and that the control logic facilitates transmission of a parcel of data from a data source to a data target by causing the parcel of data to be stored intermediate the data source and data target. Knight does not teach or suggest a network element that has control logic configured to perform this function. Accordingly, Knight does not anticipate claim 10.

Rejection of claims 3-4 under 35 USC 103

Amendment Dated July 31, 2007  
Serial No. 10/719,299

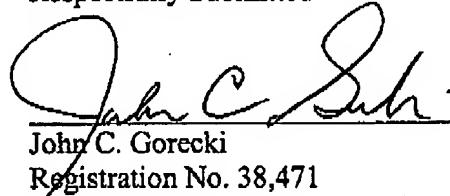
Claims 3-4 were rejected under 35 USC 103 as unpatentable over Knight in view of Kekre (U.S. Patent Application Publication 2005/0050115). Claims 3-4 depend on claim 1 and are therefore patentable for the same reasons set forth above in connection with this independent claim.

Conclusion

Applicants respectfully submit that the claims pending in this application are in condition for allowance and respectfully request an action to that effect. If the Examiner believes that a telephone interview would further prosecution of this application, the Examiner is respectfully requested to contact the undersigned at the number indicated below.

If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref. NN-16443).

Respectfully Submitted



John C. Gorecki  
Registration No. 38,471

Dated: July 31, 2007

John C. Gorecki, Esq.  
P.O. Box 553  
Carlisle, MA 01741  
Tel: (978) 371-3218  
Fax: (978) 371-3219  
john@gorecki.us